

### **REMARKS**

In view of the above amendment, it is believed that the pending application is in condition for allowance. By this amendment, claims 1-12 are being amended and claims 13-44 are being added. No new matter has been added.

Claims 1-3 and 5-8 were rejected under 35 U.S.C §103(a) as being unpatentable over Lesser (U.S. Patent No. 6,007,853) in view of Sweeney et al. (U.S. Patent No. 6,645,537). Dependent claim 4 was rejected under 35 U.S.C §103(a) as being unpatentable over Lesser in view of Sweeney and further in view of Tanner (U.S. Patent No. 6,602,410). Independent claim 12 was rejected under 35 U.S.C. §102(b) as being anticipated by Lesser. These rejections are respectfully traversed.

The courtesy extended by Examiner Kim during the telephone interview of January 13, 2006 with Applicant's representatives Eric L. Amundsen and Robert E. Hunt is acknowledged. The Lesser reference was discussed, specifically how one of skill in the art would interpret the embodiment shown in Figs. 7-9. Applicant's representatives described their understanding of Figs. 7-8 as not showing corrugations or pleats in a filter side wall. For example, it was discussed that Fig. 8 is a plan view of the container and filter assembly rather than a cross-sectional view. The triangles shown in Fig. 8 do not represent material spanning a gap between two vertical side walls, but instead represent a top view of the triangles shown on the sidewall of the filter in Fig. 7. Applicant's representatives offered an example of what is being shown in Fig. 8, i.e., triangles drawn with a marker on the inside of a standard paper drinking cup in the pattern shown in Fig. 7 would provide a resulting top plan view like the one shown in Fig. 8. This understanding of Fig. 8 also is consistent with Fig. 9. More specifically, the cross-sectional side view of Fig. 9 does not show any internal features of the filter body portion 14 or any overlap of material (which might suggest pleating), instead showing only a solid thin wall.

It was discussed that the triangle forms shown in Figs. 7 and 8 were likely intended to depict rigidity of the filter, as opposed to a more pliable filter element shown in Figs. 1-3, in which

relative softness of the filter is shown by “wavy” lines. This is consistent with the written description, which does not make any suggestion of pleating in the Figs. 7-9 embodiment, but rather indicates that this filter element is relatively rigid as compared to the Figs. 1-3 embodiment. The embodiment of Figs. 1-3 is described as having a filter made from a flexible porous material (see col. 6, lines 9-10), while the embodiment of Figs. 7-9, conversely, includes a preformed, relatively rigid-walled cup made of conventional filter material (see col. 7, lines 7-12). Figs. 1-3 show wavy lines along the filter body, while Figs. 7-9 show the straight-lined triangles. Based on the description in the specification and the differences between the figures, one of skill in the art would interpret the triangular lines of Figs. 7-9 to represent the rigidity of the filter element. During the interview, the Examiner agreed that the Lesser reference does not teach or suggest pleats or other corrugations in the filter sidewall in any of the disclosed embodiments, including that in Figs. 7-9.


As was suggested by the Examiner during the interview, independent claim 1 has been amended to recite that pleats or flutes in said filter side wall form exit channels leading to the second chamber, and the exit channels are located between the container side wall and the filter side wall. Since none of the applied references teach or suggest pleats or flutes in a filter side wall, claim 1 is believed to be patentable for at least this reason and withdrawal of the rejection is respectfully requested. Claims 2-11 and 36-43, each of which depends either directly or indirectly from claim 1, are believed to be patentable for at least the same reasons as claim 1, and withdrawal of these rejections is also respectfully requested.

Also consistent with the interview, independent claim 12 has been amended to recite, among other limitations, that the filter sidewall has corrugations, has at least a portion that is permeable, and is arranged so that at least a portion of said filter side wall is spaced inwardly from and out of contact with said container side wall. For at least these reasons, claim 12 is believed to be patentable, and withdrawal of the rejection is respectfully requested. Claims 13-35, each of which depends either directly or indirectly from claim 12, are believed to be patentable for at least the same reasons as claim 12, and withdrawal of these rejections is also respectfully requested.

New independent claim 44, which was not discussed during the interview, recites, among other limitations, a filter side wall having corrugations and being arranged so that a portion of the filter side wall is spaced inwardly from and out of contact with the container side wall. Unlike independent claim 12, new claim 44 does not include a limitation regarding at least of portion of the filter element being permeable. New claim 44 is believed to be patentable at least because none of the applied references teaches or suggests the combination of limitations recited, including corrugations and being arranged so that a portion of the filter side wall is spaced inwardly from and out of contact with the container side wall.

Entry of these amendments by the Examiner at the earliest possible date is respectfully requested. The Examiner is invited to contact the undersigned by telephone if the Examiner finds that such a telephone call would advance the prosecution in any respect. If there is a fee occasioned by this response, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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